

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWITTER, INC.,

Defendant.

Case No. 22-cv-03070-TSH

ORDER RE: MOTION TO SEAL

Re: Dkt. No. 43

The United States filed a motion at ECF No. 43 to consider whether another party's materials should be filed under seal. The motion requested consideration of the highlighted portions of the government's opposition brief, as well as the entirety of Exhibits C, D, E, F, G and H. Ernst & Young filed a response at ECF No. 45, arguing that the highlighted portion of the government's opposition on page 11, lines 15-16, should be filed under seal, and that the entirety of Exhibit H should be filed under seal. X Corp. filed a response at ECF No. 47, arguing that the highlighted portions on pages 6-8, 11 and 17 should be filed under seal, and that "portions highlighted in yellow" on certain pages in Exhibits C, D, E, F and G should be filed under seal.

With respect to the highlighted portions of the government's opposition brief, as well as the entirety of Exhibit H, the Court finds that the standards for sealing have been met. Accordingly, the Court **ORDERS** that Exhibit H (ECF No. 43-7) and the government's unredacted opposition brief (ECF No. 43-1) shall be **SEALED**.

The Court does not understand X Corp.'s argument that "portions highlighted in yellow" on certain pages in Exhibits C-G should be sealed because nothing is highlighted in yellow on any pages of those exhibits. The government filed each of those exhibits under seal in their entirety. But from ECF No. 47, the Court can see that X Corp. is not advocating for all those exhibits to be

1 kept under seal in their entirety. Accordingly, the Court **ORDERS** X Corp. to file a motion to seal
2 those portions of Exhibits C-G that X Corp. believes should be sealed.

3 **IT IS SO ORDERED.**

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5 Dated: November 16, 2023

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7 THOMAS S. HIXSON
8 United States Magistrate Judge
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United States District Court
Northern District of California